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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/291,066	04/14/1999	MASAHITO NIIKAWA	032567-009	1637

21839 7590 06/06/2003

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ALEXANDRIA, VA 22313-1404

EXAMINER

HANNETT, JAMES M

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 06/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/291,066

Applicant(s)

NIIKAWA, MASAHIITO

Examiner

James M Hannett

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 April 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

Furthermore, the examiner in the new grounds of rejection is interpreting a photographing apparatus to be a camera that is connected to a computer. The claim is written broadly and does not specifically specify that the photographing apparatus is a portable hand held digital camera that is not simply just a camera imager controlled by a computer. Because the examiner views the photographing apparatus as a camera imager connected to a computer. The examiner notes that the claimed function of displaying a network structure and transferring files by scrolling threw a network structure was well know in the art at the time the invention was made and was performed by network software on many computers.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 1: Claims 1-17 rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,141,052 Fukumitsu et al.
- 2: As for Claim 1, Fukumitsu et al teaches the use of a photographing apparatus connectable to a network to which several image processing apparatuses are connected

Art Unit: 2612

via cables or by wireless; Column 4, Lines 50-55. Because Fukumitsu et al can transmit images to remote computers on a network it is inherent that it include an interface for connecting the photographing apparatus to a network. Fukumitsu et al teaches in Column 5, Lines 9-16 the use of a liquid crystal display (LCD screen) for displaying images and other information. Fukumitsu et al teaches in Column 1, Lines 57-67 the use of an operation unit that controls the operation of the photographing apparatus and interchanges data through the communications interface and a communications network, therefore allowing data taken by the camera to be processed on the network. The examiner is viewing the photographing apparatus as the camera connected to a computer.

However, Fukumitsu et al does not teach that the photographing apparatus has a display screen for displaying a network structure.

Official notice is taken that it was well known in the art at the time the invention was made for computer systems to have software that showed the network hierarchical structure and allows a user to drag file to different computers or printers on the network in order to transfer them to the different computers on the network. Such a program was Microsoft windows network explorer.

3: In regards to Claim 2, Fukumitsu et al teaches that the photographing apparatus can transmit images to others and that the PC's on the network can display the images on a monitor. Furthermore, Fukumitsu et al teaches on Column 4, Lines 45-55 that the personal computers can have a hard disk drive to store the image data. It is inherent in the process of sending image data over a network to a PC to be displayed on a monitor that the image data be stored in a memory on the remote PC.

Art Unit: 2612

4: In regards to Claim 3, Fukumitsu et al teaches on Column 4, Lines 44-49 that the photographing apparatus is capable of causing a printer connected to the network to print out the image data taken by the digital camera.

5: As for Claim 4, Fukumitsu et al teaches the use of a photographing apparatus connectable to a network to which several image processing apparatuses are connected via cables or by wireless; Column 4, Lines 50-55. Because Fukumitsu et al can transmit images to remote computers on a network it is inherent that it include an interface for connecting the photographing apparatus to a network. Fukumitsu et al teaches in Column 5, Lines 9-16 the use of a liquid crystal display (LCD screen) for displaying images and other information. Fukumitsu et al teaches in Column 1, Lines 57-67 the use of an operation unit that controls the operation of the photographing apparatus and interchanges data through the communications interface and a communications network, therefore allowing data taken by the camera to be processed on the network. The operation unit controls all the operations of the personal computers with the cameras connected to them. Fukumitsu et al teaches that the images captured from one camera can be transmitted over a network to another PC. This process of displaying the data on a remote PC is viewed as executing a program stored on the computers connected to the network, because in order for a computer to display image data on a monitor stored programs need to be executed. The examiner is viewing the photographing apparatus as the camera connected to a computer.

However, Fukumitsu et al does not teach that the photographing apparatus has a display screen for displaying a network structure.

Official notice is taken that it was well known in the art at the time the invention was made for computer systems to have software that showed the network hierarchical structure and allows a user to drag file to different computers or printers on the network in order to transfer them to the different computers on the network. Such a program was Microsoft windows network explorer.

6: As for Claim 5, Fukumitsu et al teaches that the computers can record the image data onto a hard drive. Fukumitsu et al further teaches that the computer has a communications ability to send data to a remote PC over a network.

Official notice is taken that it was well known in the art at the time the invention was made for computers to have E-Mail software that allowed a user to attach image files and send them Via E-Mail to a remote user on a network. This program is advantageous because it allows a user to easily send messages and files to remote users.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include an E-Mail programs on the computers of Fukumitsu et al in order to allow it to easily send messages and image files to remote users.

7: In regards to Claim 6, Claim 6 is rejected for reasons discussed related to Claim 1, Since Claim 1 is substantively equivalent to Claim 6.

8: In regards to Claim 7, Claim 7 is rejected for reasons discussed related to Claim 2, Since Claim 2 is substantively equivalent to Claim 7.

9: As for Claim 8, Claim 8 is rejected for reasons discussed related to Claim 3, Since Claim 3 is substantively equivalent to Claim 8.

Art Unit: 2612

10: As for Claim 9, Claim 9 is rejected for reasons discussed related to Claim 4, Since Claim 4 is substantively equivalent to Claim 9.

11: In regards to Claim 10, Claim 10 is rejected for reasons discussed related to Claim 5, Since Claim 5 is substantively equivalent to Claim 10.

12: As for Claim 11, Fukumitsu et al teaches the use of a photographing apparatus connectable to a network to which several image processing apparatuses are connected; Column 4, Lines 50-55. Because Fukumitsu et al can transmit images to remote computers on a network it is inherent that it include an interface for connecting the photographing apparatus to a network. Fukumitsu et al teaches in Column 5, Lines 9-16 the use of a liquid crystal display (LCD screen) for displaying images and other information.

However, Fukumitsu et al does not teach that the photographing apparatus has a display screen for displaying a network structure.

Official notice is taken that it was well know in the art at the time the invention was made for computer systems to have software that showed the network hierarchical structure and allows a user to drag file to different computers or printers on the network in order to transfer them to the different computers on the network. Such a program was Microsoft windows network explorer.

13: In regards to Claim 12, Fukumitsu et al teaches on Column 1, Lines 57-67 the use of an operation unit that controls the operation of the photographing apparatus and interchanges data through the communications interface and a communications network, therefore allowing data taken by the camera to be processed on the network. The examiner is viewing the photographing apparatus as the camera connected to a computer.

Art Unit: 2612

14: As for Claim 13, Official notice is taken that when implementing the network browsing software as discussed above, the display will substantially mimic a screen display of one of the data processing devices when the photographing apparatus is connected to the network, because the network browsing software is run on all the computers on the network. Furthermore, the network structure shown by the computer with the camera attached would be the same network hierarchy shown in another computer connected to the network.

15: In regards to Claim 14, The network as taught above has at least one of the data processing devices is an image processing apparatus; computers with cameras connected to them are viewed as image processing devices. Furthermore, because computers on the network are able to process the incoming image data the computers are viewed as image processing apparatuses; Column 4, Lines 50-55.

16: As for Claim 15, Fukumitsu et al teaches on Column 4, Lines 44-49 that the photographing apparatus is capable of causing a printer connected to the network to print out the image data taken by the digital camera.

17: In regards to Claim 16, Fukumitsu et al teaches the use of a photographing apparatus connectable to a network to which several image processing apparatuses are connected via cables or by wireless; Column 4, Lines 50-55. Because Fukumitsu et al can transmit images to remote computers on a network it is inherent that it include an interface for connecting the photographing apparatus to a network. The communications line is viewed as a connection that is rather cabled or wireless.

18: As for Claim 17, Official notice is taken that it was commonly know in the art at the time the invention was made for computers to include a selecting device such as a

Art Unit: 2612

mouse for selecting at least one application stored on any one of the plurality of data processing devices, and when one application is selected, the operation unit causes the application to execute. Microsoft's network browsing software allows users to scroll through programs stored on remote computers by browsing through the file directory of a remote computer and if double clicked can be executed by a remote computer.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include network browsing software to allow users to scroll through programs stored on remote computers by browsing the file directory of a remote computer and execute the programs in order to allow remote users to share programs.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. USPN 6,535,243 Tullis; USPN 5,963,208 Dolan et al; USPN 6,061,695 Slivka et al; USPN 6,225,999 Jain et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M Hannett whose telephone number is 703-305-7880. The examiner can normally be reached on 8:00 am to 5:00 pm M-F.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 703-305-4929. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-842-9314 for After Final communications.

Art Unit: 2612

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is 703-308-6789.

James Hannett
Examiner
Art Unit 2612

JMH
June 2, 2003


WENDY R. GARBER
SUPERVISORY PATENT EXAMINER
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